

House File 712

H-1066

1 Amend House File 712 as follows:

2 1. By striking everything after the enacting clause and
3 inserting:

4 <Section 1. Section 356.15, Code 2019, is amended to read
5 as follows:

6 **356.15 Expenses.**

7 All charges and expenses for the safekeeping and maintenance
8 of prisoners shall be allowed by the board of supervisors,
9 except those committed or detained by the authority of the
10 courts of the United States, in which cases the United States
11 must pay such expenses to the county, or those committed for
12 violation of a city ordinance, in which case the city shall
13 pay expenses to the county, or those committed or detained
14 from another state, in which case the governmental entity from
15 the other state sending the prisoners shall pay expenses to
16 the county, or those committed or detained pursuant to section
17 902.3B, in which case the department of corrections shall pay
18 expenses to the county.

19 Sec. 2. NEW SECTION. **902.3B Indeterminate sentencing —**
20 **pilot program for persons convicted of second degree theft.**

21 1. A pilot program for indeterminate sentencing of
22 persons convicted of second degree theft under section 714.2,
23 subsection 2, is created in the department of corrections
24 and shall be administered by a division of the department
25 of corrections in cooperation with the department of public
26 safety. The pilot program shall be for a period of three
27 years.

28 2. *a.* Notwithstanding section 902.3, when a judgment
29 of conviction under section 714.2, subsection 2, is entered
30 against a person, the court, in imposing a sentence of
31 confinement, may commit the person into the custody of
32 the director of the Iowa department of corrections for an
33 indeterminate term not to exceed five years, with a mandatory
34 minimum term of between thirty days and one year, to be served
35 in the county jail. A person shall not be sentenced to a county

1 jail which does not have a work release program.

2 *b.* The court may make all determinations and orders
3 concerning the work release of a person sentenced under this
4 subsection pursuant to sections 356.26 to 356.35.

5 *c.* The department of corrections shall be responsible
6 for the costs and expenses associated with the housing
7 and work release supervision of a person ordered to serve
8 an indeterminate term in the county jail pursuant to this
9 subsection and shall reimburse the county for the costs and
10 expenses incurred for housing and work release supervision of
11 the person in the county jail.

12 3. Upon completion of the three-year pilot program, the
13 department of corrections, in cooperation with the department
14 of public safety, shall submit a pilot program progress
15 report to the general assembly by December 1, 2023. The pilot
16 program progress report shall detail the effectiveness of the
17 pilot program established under this section and shall make
18 recommendations concerning program continuation or termination.

19 4. This section is repealed July 1, 2024.>

20 2. Title page, by striking lines 1 and 2 and inserting
21 <An Act relating to the establishment of an indeterminate
22 sentencing pilot program for persons convicted of second degree
23 theft.>

MITCHELL of Henry